

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: Cooper et al.  
Title: NOVEL BENZOYL PEROXIDE  
COMPOSITIONS  
Appl. No.: 10/677,857  
Filing Date: 10/3/2003  
Examiner: Thane E. Underdahl  
Art Unit: 1651  
Confirmation Number: 4616

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to

antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

### **TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of an Official Action, after the filing of a Request for Continued Examination (RCE).

### **RELEVANCE OF EACH DOCUMENT**

Listed on the attached PTO/SB/08 are two Office Actions cited in related U.S. Patent Application Nos. 11/979,240, dated December 16, 2009, and 10/667,470, dated December 29, 2009. The references cited by the Examiners in these Office Actions are not listed on the PTO/SB/08 because they were already cited in the present application.

Also listed is a Notice of Reasons for Rejections from related Japanese Patent Application No. 2004-510760, dated December 2, 2009, and the references that were cited in that document. Please note that English language and/or U.S. counterparts have been provided for the non-English language Japanese references listed in the Notice of Reasons for Rejections. Document No. A4 (JP 2001-509518) in the Reasons for Rejections is not listed because the English language equivalent, *i.e.*, WO 99/02665, was cited in an Information Disclosure Statement in the captioned application previously.

Also listed is a Notice of Reasons for Rejection from related Japanese Patent Application No. 2004-521891, dated December 22, 2009. English language equivalents and/or English language translations have been provided for the foreign language documents.

Please note that **JP 63-240936** (U.S. Equivalent 5,118,528 - Fessi), **JP 6-227967** (U.S. Equivalent 5,298,262 - Na), **JP 4-295420** (U.S. Equivalent 5,145,684 - Liversidge), **JP 7-165562** (U.S. Equivalent 5,399,363 - Liversidge), **JP 6-227968** (U.S. Equivalent 5,346,702 -

Na), and **JP 4-317053** (U.S. Equivalent 5,318,767 - Liversidge), are not listed on the PTO/SB/08. These references were already cited in the present application.

Applicants respectfully request that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this submission under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date: February 8, 2010

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